

Title 10: COMMERCE AND TRADE
Chapter 951: MANUFACTURED HOUSING ACT

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Maine Revised Statutes
Title 10: COMMERCE AND TRADE
Chapter 951: MANUFACTURED HOUSING ACT

Subchapter 1: GENERAL PROVISIONS

§9001. DECLARATION OF PURPOSE

1. Declaration. It is found and declared that:

A. The production and utilization of manufactured housing and the use of new and improving technologies, techniques, methods and materials have and will increase the available supply of housing at prices that residents of this State can afford; [1993, c. 642, §8 (AMD).]

B. It is in the interest of the people of this State that that housing be safe from hazardous defects and that its construction and installation include adequate regulation to establish minimum safety standards that can reduce defects, provide uniformity of standards to reduce costs and provide confidence in that housing; [1993, c. 642, §8 (AMD).]

C. The production and use of manufactured housing utilizing production technologies, techniques, methods and materials require the application and enforcement of uniform building codes and installation standards within this State; [2005, c. 678, §1 (AMD); 2005, c. 678, §13 (AFF).]

D. Manufactured housing may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured because vital parts such as heating, plumbing and electrical systems are concealed and defects may not be readily ascertainable when inspected by a purchaser. Accordingly, it is the policy and purpose of this State to provide protection to the public against those possible hazards; and [2005, c. 678, §2 (AMD); 2005, c. 678, §13 (AFF).]

E. As a valued and important component of the housing industry in this State, manufactured housing is recognized as residential property, whether it is real property or personal property, notwithstanding the requirements of Title 29-A, and manufactured housing for which no certificate of title has been issued is considered real property when it has been permanently affixed to real property that is owned by the owner of the manufactured housing. [2013, c. 125, §1 (AMD).]

[2013, c. 125, §1 (AMD) .]

2. Intent. It is therefore declared that the State, with the passage of this chapter, intends:

A. To provide protection to the public against hazards from poorly constructed or installed manufactured housing; [1977, c. 550, §1 (NEW).]

B. To provide and enforce, with respect to its licensees and political subdivisions, uniform performance standards for construction and installation of manufactured housing that ensure durability and safety of manufactured housing; [1999, c. 725, §1 (AMD).]

C. To eliminate all costly, duplicative regulations and to adopt rules that provide for the performance necessary to provide decent, safe and sanitary housing at prices that people of this State can afford and to establish regulations that govern those matters within this State; [1993, c. 642, §8 (AMD).]

D. To establish an administrative board for the purpose of administering and enforcing this chapter and applicable warranties; [1993, c. 642, §8 (AMD).]

E. To require this board to assume responsibilities as consistent with this chapter, including the enforcement of the provisions of this chapter, the administration and enforcement of rules, investigations of complaints and any other acts that are consistent with the purposes of this chapter; [1999, c. 725, §1 (AMD).]

F. To have this board, in the administration of this chapter, give consideration to economic factors that may result in additional costs to home buyers and eliminate any unnecessary costs that may occur from the enforcement of this chapter or any other Act; and [1993, c. 642, §8 (AMD).]

G. To grant to this board the investigative and regulatory powers it may reasonably require to accomplish the foregoing purposes and intent and to carry out the provisions of this chapter, including making decisions, in accordance with the Maine Administrative Procedure Act. [1993, c. 642, §8 (AMD).]

[1999, c. 725, §1 (AMD) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §1 (AMD). 1993, c. 642, §8 (AMD). 1999, c. 725, §1 (AMD). 2005, c. 678, §§1-3 (AMD). 2005, c. 678, §13 (AFF). 2013, c. 125, §1 (AMD).

§9002. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the following meanings. [1977, c. 550, §1 (NEW).]

1. Board. "Board" means the Manufactured Housing Board.

[1977, c. 550, §1 (NEW) .]

2. Dealer. "Dealer" means a person engaged in the sale, offering for sale, brokering or distribution of manufactured housing to a licensed dealer, developer dealer or consumer.

[2005, c. 344, §1 (AMD) .]

2-A. Developer dealer. "Developer dealer" means a person who purchases state-certified manufactured housing from a licensed manufacturer or dealer for placement on property owned by the developer dealer and who offers the manufactured housing for sale to the initial purchaser of the manufactured housing. The developer dealer may not install such manufactured housing but may contract with the manufacturer or dealer for the installation of such manufactured housing.

[2005, c. 344, §2 (NEW) .]

3. Federal Manufactured Housing Construction and Safety Standard. "Federal Manufactured Housing Construction and Safety Standard" means a reasonable standard for the construction, design and performance of a manufactured home which meets the needs of the public including the need for quality, durability and safety which has been duly adopted by the Federal Government pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq.

[1981, c. 152, §3 (RPR) .]

4. H.U.D. "H.U.D." means United States Department of Housing and Urban Development, a federal governmental agency.

[1977, c. 550, §1 (NEW) .]

5. Inspection agency. "Inspection agency" means an approved person or organization, public or private, determined by the board to be qualified by reason of facilities, personnel and demonstrated ability and independence of judgment to provide for inspection and approval of the construction or installation of manufactured housing in compliance with the standards and the regulations promulgated in accordance with this Act.

[1977, c. 550, §1 (NEW) .]

6. Installation. "Installation" means:

A. The affixing of manufactured housing on foundations or supports at a building site; and [2001, c. 260, Pt. A, §1 (NEW) .]

B. The assembly and fastening of structural components of manufactured housing, including the completed roof system, as specified by the manufacturer's installation instructions and in accordance with the rules of the board. [2001, c. 260, Pt. A, §1 (NEW) .]

For manufactured housing as defined in subsection 7, paragraphs A and C, "installation" also includes the connection to existing electrical, oil, gas, water, sewage and similar systems that are necessary for the use of the manufactured housing for dwelling purposes.

[2001, c. 260, Pt. A, §1 (RPR) .]

6-A. Installer. "Installer" means a person engaged in the installation or servicing of state-certified manufactured housing.

[2005, c. 344, §3 (AMD) .]

7. Manufactured housing. "Manufactured housing" means a structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building that is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and that may be purchased, sold, offered for sale or brokered by a licensee in the interim. For purposes of this Act, 3 types of manufactured housing are included. They are:

A. HUD-code homes, which are those units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures, transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq; [2005, c. 344, §4 (AMD) .]

B. State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein; [2005, c. 344, §4 (AMD) .]

C. Pre-HUD-code homes, which are those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein. [2005, c. 344, §4 (AMD).]

[2005, c. 344, §4 (AMD) .]

8. Manufacturer. "Manufacturer" means any person engaged in manufacturing or producing manufactured housing and then selling it to a dealer.

[1977, c. 550, §1 (NEW) .]

9. Mechanic. "Mechanic" means an individual engaged in the installation or servicing of HUD-code or pre-HUD-code homes.

[2005, c. 344, §5 (AMD) .]

10. Mobile home.

[1981, c. 152, §6 (RP) .]

11. Modular home.

[1981, c. 152, §7 (RP) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1979, c. 365, (AMD). 1979, c. 436, (AMD).
1981, c. 152, §§2-7 (AMD). 1993, c. 642, §9 (AMD). 2001, c. 260, §A1
(AMD). 2005, c. 344, §§1-5 (AMD).

§9003. MANUFACTURED HOUSING BOARD

1. Established. The Manufactured Housing Board, established by Title 5, section 12004-A, subsection 22, consists of 9 members appointed by the Governor.

[2007, c. 402, Pt. D, §1 (AMD) .]

2. Composition of board; terms of members. The members of the board include:

A. [1997, c. 727, Pt. C, §2 (RP).]

B. Three public members, as defined in Title 5, section 12004-A, at least one of whom lives in manufactured housing; [2007, c. 402, Pt. D, §1 (AMD).]

C. One member who is a professional engineer with demonstrated experience in construction and building technology; [1995, c. 462, Pt. A, §26 (RPR).]

D. Two members who are dealers; [2013, c. 217, Pt. B, §1 (RPR).]

E. [2013, c. 217, Pt. B, §2 (RP).]

F. One member who is an owner or operator of a mobile home park with more than 15 lots; [1995, c. 462, Pt. A, §26 (RPR).]

G. One member who is a builder of manufactured housing; and [1995, c. 462, Pt. A, §26 (RPR).]

H. One member with a minimum of 2 years of practical experience in building code administration and enforcement and with current employment as a code enforcement officer. [1995, c. 462, Pt. A, §26 (RPR).]

The term of office of the members is 4 years. Appointment of a member must comply with section 8009. A member of the board may be removed for cause by the Governor.

[2013, c. 217, Pt. B, §§1, 2 (AMD) .]

3. Vacancies.

[1995, c. 462, Pt. A, §27 (RP) .]

4. Duties.

[2007, c. 402, Pt. D, §1 (RP) .]

5. Compensation.

[1995, c. 397, §13 (RP) .]

6. Organization.

[2007, c. 402, Pt. D, §1 (RP) .]

7. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members.

[2013, c. 246, Pt. B, §1 (AMD) .]

8. Administration.

[2007, c. 402, Pt. D, §1 (RP) .]

9. Federal funds and other funding sources.

[2007, c. 402, Pt. D, §1 (RP) .]

10. Manufactured housing account.

[2007, c. 402, Pt. D, §1 (RP) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1983, c. 553, §14 (AMD). 1983, c. 812, §§69,70 (AMD). 1987, c. 395, §§A35,A36 (AMD). 1989, c. 271, §§1,2 (AMD). 1991, c. 391, §1 (AMD). 1993, c. 600, §§A13,14 (AMD). 1993, c. 642, §10 (AMD). 1995, c. 397, §13 (AMD). 1995, c. 462, §§A26,27 (AMD). 1995, c. 502, §H12 (AMD). 1997, c. 727, §§C2,3 (AMD). 1999, c. 687, §F1 (AMD). 2007, c. 402, Pt. D, §1 (AMD). 2013, c. 217, Pt. B, §§1, 2 (AMD). 2013, c. 246, Pt. B, §1 (AMD).

§9004. EMPLOYEES

1. Executive director. The Commissioner of Professional and Financial Regulation may appoint or remove for cause, with the advice of the board, an executive director who is the principal administrative and supervisory employee of the Department of Professional and Financial Regulation for the board. The executive director shall supervise the personnel employed to carry out the purposes of this chapter.

[2007, c. 402, Pt. D, §2 (AMD) .]

2. Employees.

[1999, c. 687, Pt. F, §2 (RP) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1983, c. 553, §46 (AMD). 1985, c. 785, §B56 (AMD). 1987, c. 395, §A37 (AMD). 1993, c. 642, §11 (AMD). 1995, c. 502, §H13 (AMD). 1999, c. 687, §F2 (AMD). 2007, c. 402, Pt. D, §2 (AMD).

§9005. RULES AND REGULATIONS

(REPEALED)

SECTION HISTORY

1977, c. 550, §1 (NEW). 1977, c. 694, §§191-193 (AMD). 1993, c. 642, §12 (AMD). 1999, c. 687, §E1 (AMD). 2007, c. 402, Pt. D, §3 (RP).

§9005-A. POWERS AND DUTIES

The board shall administer and enforce the provisions of this chapter. [2007, c. 402, Pt. D, §4 (NEW) .]

The board shall propose, revise, adopt and enforce rules necessary to carry out this chapter in accordance with the provisions of Title 5, chapter 375, subchapter 2. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The board may delegate the enforcement authority to employees. [2007, c. 402, Pt. D, §4 (NEW) .]

SECTION HISTORY

2007, c. 402, Pt. D, §4 (NEW).

§9006. INSTALLATION STANDARDS

1. Standards. The board shall, by rule, set uniform reasonable standards for the installation of manufactured homes, including, but not limited to, standards for foundations, supports, anchoring and underpinning of manufactured homes installed in this State.

[1993, c. 642, §13 (AMD) .]

2. Exemption. Manufactured housing which is manufactured, sold, installed or serviced in compliance with this chapter shall be exempt from all state or other political subdivision codes, standards or regulations which regulate the same matters.

[1981, c. 152, §8 (RPR) .]

3. Exemption.

[1981, c. 152, §8 (RP) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §8 (RPR). 1993, c. 642, §13 (AMD).

§9006-A. NOTICE OF INSTALLATION

(REPEALED)

SECTION HISTORY

1989, c. 271, §3 (NEW). 1991, c. 509, §5 (AMD). 1993, c. 642, §14 (AMD). 1997, c. 210, §4 (RP).

§9006-B. FORMALDEHYDE EMISSIONS; DISCLOSURE

In addition to requiring that the "Health Notice on Formaldehyde Emissions" set out in 24 Code of Federal Regulations 53280.309 be prominently displayed in each manufactured housing unit sold in the State and provided as part of the Manufactured Home Consumer Manual provided to each purchaser of a new manufactured home, the board shall require that a copy of that notice be provided to a purchaser of a new mobile home at the time of execution of the purchase and sales agreement, and that each purchaser sign a certification, provided at the bottom of that notice, that the purchaser has read and understood the contents of the notice before signing the purchase and sales agreement. [1993, c. 186, §1 (NEW).]

SECTION HISTORY

1993, c. 186, §1 (NEW).

§9006-C. WARRANTY SEALS

The board shall issue warranty seals to be attached on manufactured housing sold in this State. The following provisions govern the attachment of warranty seals on manufactured housing. [1993, c. 642, §15 (NEW).]

1. Manufacturer's warranty seal. Before manufactured housing may be installed in this State, the manufacturer shall first obtain from the board a Maine manufacturer's warranty seal. The warranty seal may be issued upon payment of the fee as set pursuant to section 9021, subsection 2-A. The manufacturer must attach the seal to the manufactured housing.

[2009, c. 241, Pt. A, §1 (AMD) .]

2. Installer's or mechanic's warranty seal. Before manufactured housing may be installed in this State, the installer or mechanic must obtain from the board a Maine installer's or mechanic's warranty seal. The warranty seal may be issued upon payment of the fee as set pursuant to section 9021, subsection 2-A. The installer or mechanic must attach the seal to the manufactured housing.

[2009, c. 241, Pt. A, §2 (AMD) .]

SECTION HISTORY

1993, c. 642, §15 (NEW). 2005, c. 344, §6 (AMD). 2009, c. 241, Pt. A, §§1, 2 (AMD).

§9006-D. NOTICE OF INSTALLATION

1. Notice of installation. A manufacturer, dealer, mechanic and installer shall notify the board every month of the installations completed by that person that month. The notice must include the location of each unit of manufactured housing, the owner of each unit at the time of installation, the type or model of the unit, the manufacturer of the unit, written certification that the installation meets standards that conform to those required by the board and the name and address of the manufacturer, dealer, mechanic or installer. The information must be submitted within 10 days after the end of each month in the form and manner prescribed by the board by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 281, §1 (NEW) .]

2. Failure to file. The board may require a manufacturer, dealer, mechanic or installer who fails to comply with this section to pay a fine of not less than \$5 and not more than \$100 for each day the notice is late.

[2001, c. 281, §1 (NEW) .]

SECTION HISTORY

2001, c. 281, §1 (NEW).

§9007. RECIPROCITY

(REPEALED)

SECTION HISTORY

1977, c. 550, §1 (NEW). 1977, c. 694, §§194,195 (AMD). 1981, c. 152, §9 (RP).

§9008. PROHIBITED PRACTICES

1. Licenses. A person may not manufacture, sell, broker, distribute, install or service any manufactured housing in this State without first obtaining a license from the board as required in this chapter.

[2005, c. 344, §7 (AMD) .]

2. Violation of regulations and standards. A person may not knowingly manufacture, sell, broker, distribute, install or service manufactured housing in the State that is not in compliance with the regulations and standards authorized under this chapter.

[2005, c. 344, §7 (AMD) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §10 (RPR). 2005, c. 344, §7 (AMD).

§9009. INVESTIGATIONS; SUSPENSIONS; REVOCATIONS

1. Investigations. The board is authorized to conduct any inspections and investigations as may be necessary to carry out its responsibilities under this chapter. Fees for inspection of manufactured housing that must be paid by the manufacturer, dealer, developer dealer, installer or mechanic whose actions or

failure to act gave rise to the necessity of the inspection are set pursuant to section 9021, subsection 2-A. The board is authorized to contract with local governments and private inspection organizations to carry out such inspection functions to the extent not prohibited by federal law, rule or regulation.

[2009, c. 241, Pt. A, §3 (AMD) .]

2. Investigation of complaints; revocation or suspension of licenses.

[2007, c. 402, Pt. D, §5 (RP) .]

3. Remedies for manufacturing defects. The board staff may investigate all complaints made to the board of noncompliance with or violation of chapter 213 or a warranty applicable to the sale of manufactured housing. If the board finds, after hearing, that a manufacturer, dealer or developer dealer has sold, or is making available for sale, manufactured housing that poses a threat to public health or safety or has failed to comply with chapter 213 or an applicable warranty, express or implied, the board may order the manufacturer, dealer or developer dealer or any combination thereof to take appropriate corrective action. Corrective action may include, but is not limited to, reimbursing consumers for repairs that are covered by warranty and made by the consumer if the consumer notifies the dealer, developer dealer or manufacturer in writing of the defect within a reasonable time prior to undertaking the repairs and the board finds that the repairs are or were necessary to correct or prevent an imminent threat to health or safety or to the structure of the manufactured housing. The board may also revoke or suspend the license of the manufacturer, dealer, developer dealer or any combination thereof to prevent any future threat to public health or safety. Notwithstanding the provisions of Title 10, section 8003, subsection 5-A, revocations ordered by the board are subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7. This subsection applies to any new manufactured housing that is sold to a consumer after January 1, 1993.

[2007, c. 402, Pt. D, §5 (AMD) .]

4. Remedies for installation defects. The board staff may investigate all complaints made to the board of noncompliance with or violation of chapter 213 or a warranty applicable to the installation of manufactured housing. If the board finds, after hearing, that the installation of manufactured housing poses a threat to public health or safety or does not comply with the board's installation standards, chapter 213 or any applicable warranty, the board may order the installer to take appropriate corrective action. Corrective action may include, but is not limited to, reimbursing consumers for repairs that are covered by warranty and made by the consumer if the consumer notifies the installer or mechanic in writing of the defect within a reasonable time prior to undertaking the repairs and the board finds that the repairs are or were necessary to correct or prevent an imminent threat to health or safety or to the structure of manufactured housing. The board may also revoke or suspend the installer's or mechanic's license to install manufactured housing to prevent any future threat to the public health or safety. Notwithstanding the provisions of Title 10, section 8003, subsection 5-A, revocations ordered by the board are subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7. This subsection applies to any new manufactured housing that is sold to a consumer after January 1, 1993.

[2007, c. 402, Pt. D, §5 (AMD) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1977, c. 694, §196 (AMD). 1989, c. 690, §1 (AMD). 1993, c. 642, §§16-19 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2005, c. 344, §§8-10 (AMD). 2007, c. 402, Pt. D, §5 (AMD). 2009, c. 241, Pt. A, §3 (AMD).

§9010. HEARINGS AND APPEALS **(REPEALED)**

SECTION HISTORY

1977, c. 550, §1 (NEW). 1977, c. 694, §197 (RPR). 1993, c. 642, §20 (AMD). 2007, c. 402, Pt. D, §6 (RP).

§9011. ENFORCEMENT AND PENALTIES

1. Inspection of violations. The board may, upon probable cause, inspect the manufactured housing, manufacturing facilities, a licensee's business facilities or such records as may be necessary to verify whether a violation has occurred. If the board finds that a violation has occurred, it shall proceed as in section 9009.

[1977, c. 550, §1 (NEW) .]

2. Petition to initiate legal action. The board may petition the Attorney General to initiate legal action in any court of competent jurisdiction for monetary or injunctive relief to enforce this chapter.

[1993, c. 642, §21 (AMD) .]

3. Penalties. Any person found guilty of violation of this chapter may be required to pay a civil penalty of not more than \$1,000 for each such violation, but not more than \$5,000 for an action consisting of separate violations.

[1977, c. 550, §1 (NEW) .]

4. Private actions. The private rights of action created by this subsection are in addition to any rights of enforcement and relief granted to the board in this chapter. The board shall notify all claimants of their right to seek remedy.

A. A person damaged as a result of a violation of this chapter also has a cause of action in court against the person responsible for the manufacture, brokering, distribution, sale, lease, installation or service, and the court may award appropriate damages and cost for litigation in its judgment. [2005, c. 344, §11 (AMD) .]

B. After exhausting all administrative remedies, a person damaged as a result of a violation of section 9042 also has a cause of action in court against the political subdivision of the State that fails to comply with the provisions of section 9042, and the court may award injunctive relief. [1999, c. 725, §2 (NEW) .]

[2005, c. 344, §11 (AMD) .]

5. Crime designated. An individual or a director, officer or agent of a corporation who knowingly and willfully violates section 9008 in a manner that threatens the health or safety of any purchaser commits a Class E crime.

[1993, c. 642, §21 (AMD) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1993, c. 642, §21 (AMD). 1999, c. 725, §2 (AMD). 2005, c. 344, §11 (AMD).

§9012. CONFIDENTIAL INFORMATION

1. Reported information. All information reported to or otherwise obtained by the board, its director or any of its employees which contains or relates to a trade secret, or which, if disclosed would put the person furnishing the information at a substantial competitive disadvantage, shall be considered confidential, except that the information may be disclosed to other federal, state or local officials concerned with enforcement of this chapter or when relevant in any proceeding under this chapter or any related law, rule or regulation.

[1977, c. 550, §1 (NEW) .]

2. Refusal to release information. In any action brought against a member, officer or employee of the board pursuant to Title 1, section 410, for refusal to release information in the custody or control of the board, it shall be a defense if the defendant refused to release the information in the good faith belief that such information was rendered confidential by the terms of subsection 1.

[1977, c. 550, §1 (NEW) .]

3. State not liable. No action for damages shall accrue against the State or the board, or the members, officers or employees of the board:

A. For the mistaken release of information rendered confidential by subsection 1. [1977, c. 550, §1 (NEW) .]

[1977, c. 550, §1 (NEW) .]

SECTION HISTORY

1977, c. 550, §1 (NEW) .

§9013. FEES

(REPEALED)

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §11 (RP) .

§9014. AUTHORIZED INSPECTION AGENCIES

(REPEALED)

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §12 (RP) .

Subchapter 2: LICENSING

§9021. LICENSES

The board shall adopt rules governing qualifications for each category of license under its jurisdiction. [1993, c. 642, §22 (NEW) .]

1. Licenses required. Any person who engages in the business of manufacturing, brokering, distributing, selling, installing or servicing manufactured housing must first obtain a license issued by the board. The board shall, within a reasonable time, issue a license to any person who intends to manufacture, sell, install or service manufactured housing in this State subject to filing and approval of an application. Any person who is licensed to conduct these activities by other state or federal law is exempt from this requirement when the law provides for specific authority to provide a particular service or preempts the

requirement for such a license. Active licensees of the Real Estate Commission are exempt from the licensing requirement for selling or brokering used manufactured housing and new manufactured housing if such housing is sold or offered for sale by a licensee of the board.

[2007, c. 402, Pt. D, §7 (AMD) .]

1-A. Initial training. All licensees and applicants for licensure must obtain initial training, including, but not limited to, the servicing and installation of manufactured housing. Applicants for initial licensure must complete the training before the board approves the application for licensure.

[2007, c. 402, Pt. D, §7 (AMD) .]

2. License fees.

[2007, c. 402, Pt. D, §7 (RP) .]

2-A. Fees. The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes. The license fee to operate a mobile home park pursuant to subchapter 6 may not exceed a base fee of \$60 plus an additional amount of up to \$6 per mobile home site. This fee must accompany each license application, including applications for mobile home park expansion and license renewal. The review and evaluation fees authorized by section 9083 may not exceed the actual cost of the review or evaluation. The fee for any inspection authorized by this chapter may not exceed the actual cost of the inspection. The fee for each warranty seal required by section 9006-C, subsections 1 and 2 and each new dwelling unit required by section 9045 may not exceed \$200. The fee for any other purpose authorized by this chapter may not exceed \$200 annually. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2009, c. 241, Pt. A, §4 (AMD); 2011, c. 286, Pt. B, §5 (REV) .]

3. License term. A license expires on the date set by the Commissioner of Professional and Financial Regulation pursuant to section 8003, subsection 4 for the licensing period for which the license was issued. A license may be renewed upon receipt of an application for renewal and the payment of the renewal fee as set pursuant to subsection 2-A. A license may be renewed up to 90 calendar days after the date of expiration upon payment of a late fee in addition to the renewal fee. An applicant who submits an application for renewal more than 90 calendar days after the expiration date is subject to all requirements governing new applicants under this chapter.

[2009, c. 241, Pt. A, §5 (AMD) .]

4. Renewals. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under subsection 2-A. If any licensee fails to renew within 90 days after expiration, that licensee is required to make a new application.

[2007, c. 402, Pt. D, §7 (AMD) .]

5. Renewals.

[1981, c. 152, §13 (RP) .]

6. Financial responsibility. The board may require bonding or other reasonable methods to ensure that manufacturers, dealers, developer dealers and others licensed under this chapter are financially responsible to fully comply with this chapter.

[2005, c. 344, §15 (AMD) .]

7. Service of process.

[2013, c. 217, Pt. B, §3 (RP) .]

8. Licensing penalties.

[2007, c. 402, Pt. D, §7 (RP) .]

8-A. Denial or refusal to renew license; disciplinary action. In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the following reasons:

A. Accepting manufactured housing, directly or indirectly, from a manufacturer not licensed by the State pursuant to this chapter; [2007, c. 402, Pt. D, §7 (NEW) .]

B. Selling or delivering, directly or indirectly, manufactured housing to a dealer or developer dealer not licensed by the State pursuant to this chapter; or [2007, c. 402, Pt. D, §7 (NEW) .]

C. Violation of any of the provisions of chapter 213. [2007, c. 402, Pt. D, §7 (NEW) .]

[2007, c. 402, Pt. D, §7 (NEW) .]

9. Proof of sales tax registration. The board shall require that an applicant for a manufacturer, dealer or developer dealer license under this subchapter demonstrate that the applicant is registered with the State Tax Assessor for the collection of sales and use tax under Title 36, chapter 211 or that the applicant is not required to register under that chapter.

[2005, c. 344, §17 (AMD) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1979, c. 302, §§1,2 (AMD). 1981, c. 152, §13 (RPR). 1983, c. 553, §15 (AMD). 1991, c. 391, §§2-4 (AMD). 1993, c. 642, §§22-25 (AMD). 1999, c. 386, §§C1,2 (AMD). 2001, c. 281, §2 (AMD). 2005, c. 344, §§12-17 (AMD). 2007, c. 402, Pt. D, §7 (AMD). 2009, c. 241, Pt. A, §§4, 5 (AMD). 2011, c. 286, Pt. B, §5 (REV). 2013, c. 217, Pt. B, §3 (AMD).

§9022. SERVICE AND INSTALLATIONS

1. Dealers. Dealers who are licensed according to this chapter may install or service, or may have their employees install or service any manufactured housing in compliance with this chapter and the dealer and his employees shall be exempt from any requirements for trade or mechanic licenses of any other type. The dealer is not exempt from any requirements for a permit which any state or political subdivision may require.

[1977, c. 550, §1 (NEW) .]

2. Manufacturers. A manufacturer may manufacture or sell to dealers and developer dealers when licensed as a manufacturer of manufactured housing and may repair defects and is exempt from any licensing requirements of other state or political subdivisions.

[2005, c. 344, §18 (AMD) .]

3. Mechanics. Licensed mechanics may install or service manufactured housing and are exempt from any other licensing requirements of any state or political subdivisions, but must obtain any permits required.

[1977, c. 550, §1 (NEW) .]

4. Installers. Licensed installers may install manufactured housing and are exempt from any other licensing requirements of any state or political subdivisions but must obtain any permits required.

[1999, c. 386, Pt. C, §3 (NEW) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1999, c. 386, §C3 (AMD). 2005, c. 344, §18 (AMD).

Subchapter 3: STATE CERTIFIED MANUFACTURED HOUSING

§9041. GENERAL RULES

The board shall adopt rules and establish standards as provided by section 9005-A to administer and enforce this subchapter. [2007, c. 695, Pt. B, §3 (AMD).]

For purposes of this subchapter, manufactured housing includes only housing defined in section 9002, subsection 7, paragraph B. [1993, c. 642, §26 (AMD).]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §14 (RPR). 1991, c. 714, §4 (AMD). 1993, c. 642, §26 (AMD). 2007, c. 695, Pt. B, §3 (AMD).

§9042. STANDARDS

1. Standards. The board shall, by rule, adopt standards in conformance with nationally recognized standards for the construction and the installation of manufactured housing.

[1993, c. 642, §27 (AMD) .]

2. Approval. The board shall approve for sale or installation all manufactured housing that complies with the rules and standards authorized by this chapter or shall delegate the authority to inspect and approve the manufactured housing by inspection agencies authorized by the board.

[1993, c. 642, §27 (AMD) .]

3. Exemption. Notwithstanding the provisions of Title 25, section 2357-A and Title 30-A, section 4358, new manufactured housing that is manufactured, brokered, distributed, sold, installed or serviced in compliance with this chapter is exempt from all state or other political subdivision codes, standards, rules or regulations that regulate the same matters. A building permit or certificate of occupancy may not be delayed, denied or withheld on account of any alleged failure of new manufactured housing to comply with any code, standard, rule or regulation from which the new manufactured housing is exempt under this subsection.

[2011, c. 633, §4 (AMD) .]

4. Certification.

[1981, c. 152, §14 (RP) .]

5. Local enforcement. Except as specifically set forth in this subsection, a certificate of occupancy for any certified manufactured housing may not be denied, delayed or withheld on account of any alleged failure to comply with this chapter or any building code or rule adopted by the board. For the purposes of this section, "certified manufactured housing" means new manufactured housing to which a label, seal or other device has been affixed, in accordance with rules adopted by the board, certifying the compliance of the housing with this chapter and all applicable rules.

A. The State or a political subdivision of the State may deny a certificate of occupancy for any certified manufactured housing when, in the exercise of reasonable judgment, the State or the political subdivision of the State determines that an imminent and direct risk of serious physical injury or death would exist in the normal use of the manufactured housing. [1999, c. 725, §4 (NEW) .]

B. If a certificate of occupancy for certified manufactured housing is denied, the State or a political subdivision of the State shall promptly provide the applicant for the certificate of occupancy with written notice of the denial. The notice must describe each reason for the denial of the certificate of occupancy in sufficient detail to allow the applicant to correct each deficiency noted. The State or a political subdivision of the State shall simultaneously provide a copy of the notice to the board. [1999, c. 725, §4 (NEW) .]

C. If the code enforcement or other inspection officer of the State or a political subdivision of the State identifies a failure of certified manufactured housing to comply with this chapter or any building code or rule adopted by the board, the officer may file a complaint with the board in accordance with section 9051. [1999, c. 725, §4 (NEW) .]

D. This chapter may not be construed to impose a duty on a code enforcement or other inspection officer of the State or a political subdivision of the State to inspect any certified manufactured housing for compliance with this chapter or any building code or rule adopted by the board. Unless a certificate of occupancy has been issued pursuant to the provisions of section 9043, subsection 2, paragraph A, a certificate of occupancy for certified manufactured housing does not constitute a representation by the State or a political subdivision of the State that the manufactured housing meets the standards established under this chapter. [1999, c. 725, §4 (NEW) .]

[1999, c. 725, §4 (NEW) .]

6. Review of denial; issuance of certificate of occupancy. Notwithstanding the provisions of Title 25, chapter 313, if a certificate of occupancy for certified manufactured housing is denied on account of any alleged failure of the manufactured housing to comply with this chapter or any building code or rule adopted by the board or any law, rule, regulation or ordinance from which the manufactured housing is exempt under this chapter, the applicant for the certificate of occupancy may petition the board to review the denial.

The board shall issue a certificate of occupancy for the manufactured housing if, after appropriate notice and administrative hearing in accordance with Title 5, chapter 375, subchapter IV, the board determines that:

A. The manufactured housing has been certified pursuant to the rules adopted by the board; [1999, c. 725, §4 (NEW) .]

B. The certificate of occupancy was not denied pursuant to subsection 5, paragraph A; and [1999, c. 725, §4 (NEW) .]

C. The notice of denial issued under subsection 5, paragraph B does not specify any violation of applicable law, rule, regulation or ordinance from which the manufactured housing is not exempted under this chapter. [1999, c. 725, §4 (NEW) .]

A certificate of occupancy issued under this subsection has the same validity, force and effect as if issued by the State or a political subdivision of the State in which the manufactured housing is located.

[1999, c. 725, §4 (NEW) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §14 (RPR). 1993, c. 642, §27 (AMD). 1999, c. 725, §§3,4 (AMD). 2005, c. 344, §19 (AMD). 2011, c. 633, §4 (AMD).

§9043. APPROVAL ALTERNATIVES

1. Inspection agency. Any manufacturer seeking inspection and approval of manufactured housing subject to the requirements of this subchapter may contract with an inspection agency authorized by the board to perform the necessary services in order to obtain approval of the manufactured housing.

[1981, c. 152, §14 (RPR) .]

2. Local option. The provisions of this subchapter must be waived by the board with respect to manufactured housing that is installed in a municipality that has adopted a building code and has a local building code enforcement agency if:

A. The manufactured housing is found by the local enforcement agency to comply with the applicable local building code; and [1981, c. 152, §14 (NEW).]

B. The local enforcement agency so reports to the board in such form and detail as the board may reasonably require. [1981, c. 152, §14 (NEW).]

[2007, c. 402, Pt. D, §8 (AMD) .]

3. Program of approval. The board may provide a special program of approval to manufacturers who can demonstrate an unreasonable economic hardship resulting from the alternatives in subsections 1 and 2, except that in no case shall a program of unsupervised self-certification be authorized.

[1981, c. 152, §14 (NEW) .]

4. Certification. The manufacturer of that housing, regardless of the approval alternative used, shall certify that the manufactured housing conforms to all applicable standards whether adopted by the board or local enforcement agency, as the case may be, and that manufacturer's certification shall be permanently affixed to the manufactured housing in accordance with such requirements as the board may by regulation prescribe. Affixation of a certificate to manufactured housing shall signify the manufacturer's representation and warranty to all purchasers of the housing that the housing was manufactured in accordance with all applicable standards of the board or the local enforcement agency, as the case may be, in effect on the date of manufacture.

[1981, c. 152, §14 (NEW) .]

5. Documentation. The manufacturer shall provide to an agency in accordance with this section for review and approval any required documents necessary to define the design, assembly and installation of the manufactured housing to be produced, including the quality assurance practices to be applied by the manufacturer.

[1981, c. 152, §14 (NEW) .]

6. Inspection and certification. Manufactured housing produced by a manufacturer approved in subsection 5, shall be inspected by an approval agency in accordance with this section, and certified by that agency as having been constructed in accordance with the standards adopted by the board or local enforcement agency, as the case may be, provided the approval agency makes that determination.

[1981, c. 152, §14 (NEW) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §14 (RPR). 2007, c. 402, Pt. D, §8 (AMD).

§9044. AUTHORIZED INSPECTION AGENCIES

1. Establishment of procedures and standards. The board shall, by regulation, establish procedures and standards for the qualification of private or public agencies to perform evaluation and inspection services required by this subchapter. The current edition of the Criteria for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Buildings, ASTM-E 541, as adopted by the American Society of Testing and Materials shall be considered by the board in adopting these standards and procedures.

[1981, c. 152, §14 (NEW) .]

2. Inspection agencies. The board shall qualify as inspection agencies only those persons or organizations which it determines to comply with the standards adopted by the board pursuant to subsection 1. Inspection agencies qualified under this subsection may contract with manufactured housing manufacturers to provide inspection services required by this subchapter.

[1981, c. 152, §14 (NEW) .]

3. Suspension of qualification. Qualification of an inspection agency shall be suspended by the board if, after appropriate notice and administrative hearing, it determines the agency is no longer qualified as meeting the standards adopted pursuant to subsection 1. The board may conduct such reviews of the work of a qualified agency as the board determines are necessary to reasonably assure continuing compliance of the qualified agency with the standards adopted pursuant to subsection 1.

[1981, c. 152, §14 (NEW) .]

SECTION HISTORY

1981, c. 152, §14 (NEW).

§9045. NEW UNIT AND INSPECTION FEES

A fee for each new dwelling unit that is installed in the State and fees for inspection of manufactured housing that must be paid by the manufacturer, dealer, developer dealer, installer or mechanic whose actions or failure to act gave rise to the necessity of the inspection are set under section 9021, subsection 2-A.

[2007, c. 402, Pt. D, §9 (RPR).]

SECTION HISTORY

1981, c. 152, §14 (NEW). 1983, c. 553, §16 (AMD). 1991, c. 391, §§5,6 (AMD). 2005, c. 344, §20 (AMD). 2007, c. 402, Pt. D, §9 (RPR).

§9046. COMPLAINT INVESTIGATION

Upon complaint by any person concerning an alleged violation of this chapter, the board shall investigate and determine, or shall cause to be investigated and determined, whether the unit complies with established regulations. The board shall notify the complainant of the complainant's right to relief under section 9011,

subsection 4. If the board determines the defect occurred in other similar manufactured housing, the board shall notify all ascertainable purchasers of the housing, in accordance with the records obtained from the manufacturer and dealer of their possible right of action under this subchapter. Failure of the manufacturer, dealer or developer dealer to retain reasonable business records or to provide access to those records in response to a request by the board pursuant to this subchapter is a violation of this chapter. [2005, c. 344, §21 (AMD).]

SECTION HISTORY

1981, c. 152, §14 (NEW). 2005, c. 344, §21 (AMD).

§9047. NOTIFICATION AND CORRECTION OF DEFECTS

1. Manufacturer. Every manufacturer of manufactured housing in this State and any manufacturer who offers manufactured housing for sale, lease, delivery, introduction or importation into this State shall furnish notification of any defect in manufactured housing produced by the manufacturer that the manufacturer or the board determines relates to a standard of the board that is applicable to the housing or that constitutes a safety hazard to an occupant of the housing. The notification must be accomplished in a manner and within a time the board by rule prescribes, except that the rules must at least provide the following:

A. Notification by mail to the first purchaser of the manufactured housing, other than a dealer or developer dealer of the manufacturer, and to any subsequent purchaser whose identity the manufacturer knows; [2005, c. 344, §22 (AMD).]

B. Notification by mail or some expeditious means to the dealers and developer dealers of the manufacturer to whom the manufactured housing was delivered; and [2005, c. 344, §23 (AMD).]

C. Notification by mail to the board. [1981, c. 152, §14 (NEW).]

[2005, c. 344, §§22, 23 (AMD).]

2. Dealers. Any person who sells, leases, delivers or transports manufactured housing that has been certified under this chapter shall notify the board and any present or prospective purchaser of the housing in writing of any defect resulting from damage or modification to the housing that the person determines relates to a standard of the board that is applicable to the housing or that constitutes a safety hazard to an occupant of the housing. This requirement does not apply to sales or leases of manufactured housing after the first purchase of the housing by a person for purposes other than resale and does not apply to deliveries or transportations of the manufactured housing that occur after the first installation of the housing on a permanent foundation.

[1993, c. 642, §28 (AMD).]

3. Corrections. The person responsible for a noncompliance with the standards adopted by the board or for the creation of a safety hazard shall promptly effect such repairs and modifications as may be necessary to correct the nonconformance or eliminate the safety hazard. Any person who fails to make these repairs or modifications shall be subject to section 9009.

[1981, c. 152, §14 (NEW).]

SECTION HISTORY

1981, c. 152, §14 (NEW). 1993, c. 642, §28 (AMD). 2005, c. 344, §§22, 23 (AMD).

§9048. RECIPROCITY

1. Standards. If the board finds that the standards for the manufacture and inspection of manufactured housing prescribed by statute or regulation of another state or governmental agency meet the objectives of this chapter and the rules adopted pursuant to this chapter and are enforced satisfactorily by that other state or other governmental agency, or by their agents, the board may accept manufactured housing that has been certified by that other state or governmental agency as being in compliance with this chapter. The standards of another state are not considered to be satisfactorily enforced unless that other state provides for notification to the board of suspensions or revocations of approvals issued by that other state in a manner satisfactory to the board and so notifies the board. Acceptance of this notification does not remove the board's right to pursue remedies outlined in sections 9009 and 9011.

[1993, c. 642, §29 (AMD) .]

2. Suspension or revocation. Notwithstanding Title 5, section 10051, the board may suspend or revoke the board's acceptance or certification, or both, of manufactured housing certified under the reciprocal provisions of this section, for the following causes:

A. If the board determines that the standards for the manufacture and inspection of the manufactured housing of another state or governmental agency do not meet the objectives of this chapter and the rules adopted pursuant to this chapter; [1993, c. 642, §29 (AMD) .]

B. The board determines that the standards for manufacture and inspection are not being enforced to the satisfaction of the board; or [1981, c. 152, §14 (NEW) .]

C. The other state or governmental agency suspends or revokes its approval or certification. [1981, c. 152, §14 (NEW) .]

[1993, c. 642, §29 (AMD) .]

3. Cooperation. In order to encourage reciprocity, the board shall cooperate with similar authorities in other jurisdictions, with national standards organizations and with model code procedures for testing, evaluating, approving and inspecting manufactured housing, and otherwise encouraging their production and acceptance.

[1981, c. 152, §14 (NEW) .]

4. Agreement. The board shall not grant this reciprocity unless the recipient state enters into an agreement with the board whereby manufactured housing manufactured within Maine and regulated under the provisions of this chapter shall be deemed approved for sale in that recipient state.

[1981, c. 152, §14 (NEW) .]

5. Formal agreements. The board, subject to the approval of the Commissioner of Professional and Financial Regulation, may enter into formal agreements with the agencies or authorities of other states, or other governmental agencies, or their agents, to carry out the purpose of this chapter.

[2007, c. 402, Pt. D, §10 (AMD) .]

SECTION HISTORY

1981, c. 152, §14 (NEW). 1993, c. 642, §29 (AMD). 2007, c. 402, Pt. D, §10 (AMD).

Subchapter 4: COMPLAINTS

§9051. GENERAL

1. Violation. The board shall cause to be investigated any complaint of an alleged violation by any licensee or of any regulations adopted by the board, either by its own inspector or any authorized agency to determine the validity of the complaint.

A. Within one year and 10 days after installation, any home buyer of new manufactured housing may file a complaint about any defective construction or installation defect. [1981, c. 152, §15 (RPR) .]

B. Any person having knowledge of a violation of this chapter may file a complaint within one year of that violation. [1981, c. 152, §15 (RPR) .]

[1981, c. 152, §15 (RPR) .]

2. Form. Complaints are to be made on a form prescribed by the board providing whatever information the board deems necessary.

[1981, c. 152, §15 (RPR) .]

3. Notice for purposes of limitation of actions. If a consumer files a written complaint with the manufacturer, dealer, developer dealer, installer, mechanic or board within one year and 10 days after installation of new manufactured housing, receipt of the written complaint by the manufacturer, dealer, developer dealer, installer, mechanic or board tolls the statute of limitations for purposes of bringing an action to enforce any applicable warranty concerning the defect that is the subject of the written complaint.

[2005, c. 344, §24 (AMD) .]

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §15 (RPR). 1993, c. 642, §30 (AMD). 2005, c. 344, §24 (AMD).

§9052. COMPLAINT INVESTIGATION

(REPEALED)

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §15 (RP).

§9053. NOTIFICATION AND CORRECTION OF DEFECTS

(REPEALED)

SECTION HISTORY

1977, c. 550, §1 (NEW). 1981, c. 152, §15 (RP).

Subchapter 5: STATE ADMINISTRATIVE AGENCY

§9061. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1981, c. 152, §16 (NEW) .]

1. Board. "Board" means the Manufactured Housing Board or its employees.

[1981, c. 152, §16 (NEW) .]

2. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

[1987, c. 395, Pt. A, §38 (AMD) .]

3. Dealer. "Dealer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

[1981, c. 152, §16 (NEW) .]

4. Department. "Department" means the Department of Professional and Financial Regulation or its employees.

[1987, c. 395, Pt. A, §38 (AMD) .]

5. Distributor. "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

[1981, c. 152, §16 (NEW) .]

6. Manufacturer. "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing homes for resale.

[1981, c. 152, §16 (NEW) .]

7. Manufactured housing. "Manufactured housing" means for the purpose of this subchapter, a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, and 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq.

[1981, c. 152, §16 (NEW) .]

8. Secretary. "Secretary" means the Secretary of the United States Department of Housing and Urban Development.

[1981, c. 152, §16 (NEW) .]

9. State administrative agency. "State administrative agency" means the department that has been approved or conditionally approved to carry out the state plan for enforcement of the standards pursuant to section 623 of the Housing and Community Development Act of 1974, Public Law 93-383, 42 United States Code, Section 5422 and 24 Code of Federal Regulations, Part 3282, Subpart G.

[1993, c. 642, §31 (AMD) .]

SECTION HISTORY

1981, c. 152, §16 (NEW). 1987, c. 395, §A38 (AMD). 1993, c. 642, §31 (AMD).

§9062. DUTIES

The board shall delegate the responsibility for administering the state administrative agency program to the Commissioner of Professional and Financial Regulation. The commissioner may delegate or contract out the administration of the program at the commissioner's discretion. The board is vested with the authority upon appropriate notice to discontinue participation in the federal enforcement program as a state administrative agency for this State. [1995, c. 502, Pt. H, §14 (AMD).]

SECTION HISTORY

1981, c. 152, §16 (NEW). 1987, c. 395, §A39 (AMD). 1995, c. 502, §H14 (AMD).

§9063. RULES

The commissioner is authorized to issue, amend and revoke rules as necessary to implement all procedures required of a state administrative agency pursuant to 24 Code of Federal Regulations, Paragraph 3282 and 42 United States Code, Sections 5401 to 5426, including the implementation of a consumer complaint handling process and the holding of hearings. In the event of a conflict between this chapter and the National Manufactured Housing Construction and Safety Standards Act of 1974 involving the state administrative agency program, the National Manufactured Housing Construction and Safety Standards Act of 1974 prevails. [1995, c. 353, §2 (AMD).]

SECTION HISTORY

1981, c. 152, §16 (NEW). 1993, c. 642, §32 (AMD). 1995, c. 353, §2 (AMD).

§9064. STANDARDS

1. Adoption, administration and enforcement of standards. The department is charged with the adoption, administration and enforcement of manufactured housing construction and safety standards. The standards adopted must meet the standards adopted pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code, Sections 5401 to 5426.

[1995, c. 353, §3 (AMD) .]

2. Rules. The department may adopt rules necessary to enforce the standards adopted under subsection 1.

[1995, c. 353, §3 (AMD) .]

SECTION HISTORY

1981, c. 152, §16 (NEW). 1987, c. 395, §A40 (AMD). 1993, c. 642, §33 (AMD). 1995, c. 353, §3 (AMD).

§9065. INSPECTIONS

The department, by authorized representatives, may enter, at reasonable times, any factory, warehouse or establishment in which manufactured housing is manufactured, stored or held for sale for the purpose of ascertaining whether the requirements of the federal manufactured housing construction and safety standards and the rules of the department have been and are being met. [1995, c. 353, §4 (AMD).]

SECTION HISTORY

1981, c. 152, §16 (NEW). 1993, c. 642, §34 (AMD). 1995, c. 353, §4 (AMD).

§9065-A. PREOCCUPANCY INSPECTION FEE

The fee for a preoccupancy inspection of manufactured housing, as required pursuant to 24 Code of Federal Regulations, Part 3286, is set pursuant to section 9021, subsection 2-A. [2009, c. 241, Pt. A, §6 (NEW).]

SECTION HISTORY

2009, c. 241, Pt. A, §6 (NEW).

§9066. CIVIL PENALTIES

1. Violations. A person who violates any of the following provisions relating to manufactured housing or rules adopted by the department is subject to a civil penalty not to exceed \$1,000 for each violation. Each violation constitutes a separate violation with respect to each manufactured housing unit, except that the maximum penalty may not exceed \$1,000,000 for any related series of violations occurring within one year from the date of the first violation. It is a violation of this chapter for a person:

- A. To manufacture for sale, lease, sell, offer for sale or lease or introduce, deliver or import into the State any manufactured housing that is manufactured on or after the effective date of any applicable federal manufactured housing construction and safety standard that does not comply with that standard; [1993, c. 642, §35 (AMD).]
- B. To fail or refuse to permit access to or copying of records, fail to make reports or provide information or fail or refuse to permit entry or inspection as required by section 9065; [1993, c. 642, §35 (AMD).]
- C. To fail to furnish notification of any defect as required by 42 United States Code, Section 5414; [1993, c. 642, §35 (AMD).]
- D. To fail to issue a certification required by 42 United States Code, Section 5415 or to issue a certification to the effect that a manufactured home conforms to all applicable federal manufactured housing construction and safety standards, if that person in the exercise of due care has reason to know that the certification is false or misleading in a material respect; [1993, c. 642, §35 (AMD).]
- E. To fail to establish and maintain records or make such reports and provide information as the department may reasonably require to enable it to determine whether there is compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974; or fail to permit, upon request of a person duly authorized by the commissioner, inspection of appropriate books, papers, records and documents relative to determining whether a manufacturer, distributor or dealer has acted or is acting in compliance with this chapter or with the National Manufactured Housing Construction and Safety Standards Act of 1974; or [1995, c. 353, §5 (AMD).]
- F. To issue a certification pursuant to 42 United States Code, Section 5403, Paragraph (a), if the person in the exercise of due care has reason to know that the certification is false or misleading in a material respect. [1993, c. 642, §35 (AMD).]

[1995, c. 353, §5 (AMD).]

2. Sale or offer for sale after first purchase. Subsection 1, paragraph A shall not apply to the sale or the offer for sale of any manufactured home after the first purchase of it in good faith for purposes other than resale.

[1981, c. 152, §16 (NEW).]

3. Persons who did not have reason to know that the home is not in conformity with standards.

Subsection 1, paragraph A, shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the manufactured home is not in conformity with applicable federal manufactured housing construction and safety standards, or any person who, prior to the first purchase, holds

a certificate by the manufacturer or importer of the manufactured home to the effect that the manufactured home conforms to all applicable federal manufactured housing construction and safety standards, unless the person knows that the manufactured home does not so conform.

[1981, c. 152, §16 (NEW) .]

SECTION HISTORY

1981, c. 152, §16 (NEW). 1983, c. 553, §46 (AMD). RR 1993, c. 1, §28 (COR). 1993, c. 642, §35 (AMD). 1995, c. 353, §5 (AMD).

§9067. CRIMINAL PENALTIES

Any person or officer, director or agent of a corporation, who willfully or knowingly violates any of the provisions enumerated in state law in any manner which threatens the health or safety of any purchaser, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. [1981, c. 152, §16 (NEW) .]

SECTION HISTORY

1981, c. 152, §16 (NEW).

§9068. MONITORING INSPECTION FEES

The department shall establish a monitoring inspection fee in an amount established by the Secretary of the United States Department of Housing and Urban Development. This monitoring inspection fee is an amount paid by the manufacturer for each home produced in this State. [1995, c. 353, §6 (AMD) .]

The monitoring inspection fee shall be paid by the manufacturer to the Secretary of the United States Department of Housing and Urban Development, who shall distribute the fees collected from all home manufacturers among the approved and conditionally approved states, based on the number of new homes whose first location after leaving the manufacturing plant is on the premises of a distributor, dealer or purchaser in that state. [1981, c. 152, §16 (NEW) .]

SECTION HISTORY

1981, c. 152, §16 (NEW). 1993, c. 642, §36 (AMD). 1995, c. 353, §6 (AMD) .

§9069. REPORTS

Each manufacturer, distributor and dealer of manufactured housing constructed under the federal standards shall establish and maintain the records, make the reports and provide such information as the Secretary of the United States Department of Housing and Urban Development may reasonably require in order for the secretary to be able to determine whether the manufacturer, distributor or dealer has acted or is acting in compliance with this chapter or the National Manufactured Housing Construction and Safety Standards Act of 1974 and shall, upon request of a person duly designated by the secretary, permit the person to inspect appropriate books, papers, records and documents relevant to determining whether the manufacturer, distributor or dealer has acted or is acting in compliance with this chapter or the National Manufactured Housing Construction and Safety Standards Act of 1974. [1981, c. 152, §16 (NEW) .]

SECTION HISTORY

1981, c. 152, §16 (NEW).

§9070. COMPLAINTS

All complaints concerning units constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be handled in compliance with subpart I of the regulation established pursuant to the Act. [1981, c. 152, §16 (NEW).]

SECTION HISTORY

1981, c. 152, §16 (NEW).

§9071. REVENUE

(REPEALED)

SECTION HISTORY

1981, c. 152, §16 (NEW). 1993, c. 642, §37 (AMD). 1995, c. 353, §7 (AMD). 2007, c. 402, Pt. D, §11 (RP).

§9072. HEARINGS

(REPEALED)

SECTION HISTORY

1981, c. 152, §16 (NEW). 1987, c. 395, §A41 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. D, §12 (RP).

Subchapter 6: MOBILE HOME PARKS

§9081. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1983, c. 553, §17 (NEW).]

1. Mobile home. "Mobile home" means a structure, transportable in one or more sections which is 8 body feet or more in width and is 32 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

[1983, c. 553, §17 (NEW) .]

2. Mobile home park. "Mobile home park" means a parcel or adjoining parcel of land, under single ownership, that has been planned and improved for the placement of 3 or more mobile homes, but does not include a construction camp.

[1991, c. 391, §7 (AMD) .]

3. Sanitarian.

[1991, c. 391, §8 (RP) .]

SECTION HISTORY

1983, c. 553, §17 (NEW). 1985, c. 600, §1 (AMD). 1991, c. 391, §§7,8 (AMD).

§9082. LICENSE REQUIRED

No person, corporation, firm or copartnership may conduct, control, manage or operate, for compensation, directly or indirectly, any mobile home park, unless licensed by the board. Licenses issued shall be displayed in a place readily visible to customers or other persons using a licensed establishment. [1983, c. 553, §17 (NEW).]

Any person, corporation, firm or copartnership desiring a license shall submit satisfactory evidence of its ability to comply with the minimum standards of this subchapter and all regulations adopted thereunder. [1983, c. 553, §17 (NEW).]

SECTION HISTORY

1983, c. 553, §17 (NEW).

§9083. FEES

Application and license fees for mobile home parks may be set under section 9021, subsection 2-A, including applications for mobile home park expansion and license renewal. Fees may also be set under section 9021, subsection 2-A for mobile home park inspections; for the cost of reviewing engineering and site plans; for costs incurred in evaluating an applicant's eligibility for licensure as a mobile home park; and for costs incurred in evaluating a licensee's ongoing compliance with the requirements of this subchapter and the rules of the board. Failure to pay costs billed to an applicant or licensee within 90 days of the billing date constitutes grounds for license revocation, unless an extension for an additional period not to exceed 90 days is granted in writing by the board. [2007, c. 402, Pt. D, §13 (RPR).]

SECTION HISTORY

1983, c. 553, §17 (NEW). 1985, c. 389, §7 (RPR). 1985, c. 600, §2 (AMD). 1991, c. 714, §5 (AMD). 2007, c. 402, Pt. D, §13 (RPR).

§9084. ISSUANCE OF LICENSES

The board shall, within 30 days following receipt of application, issue a license to operate any mobile home park that is found to comply with this subchapter and the rules adopted by the board. [2009, c. 241, Pt. A, §7 (AMD).]

When any applicant is found, based upon an inspection by the board or by municipal inspection made according to section 9088, not in compliance with the requirements of this subchapter or rules adopted and approved pursuant to section 9085 or section 9088, subsection 1, the board may refuse issuance of the initial license but shall issue a conditional license except when conditions are found that present a danger to the health and safety of the public. A conditional license may not exceed 90 days. Failure by the conditional licensee to meet the conditions specified permits the board to void the conditional license. [1993, c. 642, §38 (AMD).]

The conditional license is void when the board has delivered in hand or by certified mail a written notice to the conditional licensee or, if the licensee cannot be reached for service in hand or by certified mail, has left notice thereof at the facility. [2007, c. 402, Pt. D, §14 (AMD).]

Upon the written request of the board, the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall provide such technical services as may be required by the board to assist with inspections and licensing of new mobile home parks. The department may assess the mobile home park owner a reasonable fee for these services. [2007, c. 402, Pt. D, §14 (AMD).]

A license expires on the date set by the Commissioner of Professional and Financial Regulation pursuant to section 8003, subsection 4 for the licensing period for which the license was issued. A license may be renewed upon receipt of an application for renewal and payment of the renewal fee as set under section 9021, subsection 2-A, subject to compliance with rules of the board and with this subchapter. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee

as set under section 9021, subsection 2-A. An applicant who submits an application for renewal more than 90 calendar days after the expiration date is subject to all requirements governing new applicants under this chapter. [2009, c. 241, Pt. A, §8 (AMD).]

The issuance of the license provided for in this subchapter does not provide exemption from other state or local laws, ordinances or regulations, notwithstanding any other provision of law. [1983, c. 553, §17 (NEW).]

A license issued under this subchapter may not be assigned or transferred. [2007, c. 402, Pt. D, §14 (NEW).]

SECTION HISTORY

1983, c. 553, §17 (NEW). 1993, c. 642, §38 (AMD). 1995, c. 353, §8 (AMD). 1999, c. 386, §C4 (AMD). 2003, c. 689, §B6 (REV). 2007, c. 402, Pt. D, §14 (AMD). 2009, c. 241, Pt. A, §§7, 8 (AMD).

§9085. RULES

The board may make and enforce all necessary rules for the administration of this subchapter, and may repeal or amend such rules from time to time as may be in the public interest, insofar as that action is not in conflict with any of the provisions of this subchapter. All rules of the Department of Health and Human Services governing mobile home parks in effect on the effective date of this subchapter remain in effect for a period not to exceed one year, unless sooner amended or repealed by the board. The board shall accept as compliance with its rules documentation submitted by a seasonal mobile home park that substantially similar provisions required by other federal or state agencies have been met that duplicate provisions required by the board regarding matters of safety and health. In cases where there are federal and state laws, rules or regulations containing similar provisions, the stricter standard must apply. [1995, c. 381, §1 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

1983, c. 553, §17 (NEW). 1995, c. 381, §1 (AMD). 2003, c. 689, §B6 (REV).

§9086. RIGHT OF ENTRY AND INSPECTION

The board and any duly designated officer or employee thereof may enter upon the premises of any mobile home park licensed pursuant to this subchapter at any reasonable time in order to determine the state of compliance with this subchapter and any rules in force pursuant thereto. The right of entry and inspection shall extend to any premises which the board has reason to believe are being operated or maintained without a license, but no such entry or inspection of any premises may be made without the permission of the owner or person in charge thereof or, after hearing, upon order of the court. [1983, c. 553, §17 (NEW).]

SECTION HISTORY

1983, c. 553, §17 (NEW).

§9087. PENALTIES

Any person, corporation, firm or copartnership who shall operate any mobile home park without first obtaining a license as required by this subchapter is guilty of a Class E crime. Each day any such person, corporation, firm or copartnership operates without obtaining a license constitutes a separate offense. [1983, c. 553, §17 (NEW).]

In the event of any violation of this subchapter or any rule adopted under this subchapter the Attorney General may seek to enjoin further violation thereof, in addition to any other remedy. [1983, c. 553, §17 (NEW).]

SECTION HISTORY

1983, c. 553, §17 (NEW).

§9088. MUNICIPAL INSPECTIONS

Notwithstanding any other provisions of this subchapter, the board may issue a license to mobile home parks, as defined in section 9081, on the basis of an inspection performed by an inspector who works for and is compensated by the municipality in which the establishment is located, but only if the following conditions have been met. [1983, c. 553, §17 (NEW).]

1. Adopted rules; code of standards. The municipality involved has adopted a set of rules, ordinances or other code of standards for the establishments which has been approved by the board and which is consistent with the rules used by the board for the issuance of the licenses in effect at the time of inspection.

[1983, c. 553, §17 (NEW) .]

2. Qualified to make inspections. No municipally employed sanitarians may make inspections under the provisions of this subchapter, unless certified as qualified by the Commissioner of Health and Human Services.

[1983, c. 553, §17 (NEW); 2003, c. 689, Pt. B, §7 (REV) .]

3. Inspection to ascertain intent. The board may from time to time inspect the municipally inspected establishment to ascertain that the intent of these statutes is being followed.

[1983, c. 553, §17 (NEW) .]

4. Inspection reports. The municipalities shall furnish the board copies of its inspection reports relating to the inspections on a monthly basis.

[1983, c. 553, §17 (NEW) .]

5. Charge. Municipalities may not charge the board for performing those inspections.

[1983, c. 553, §17 (NEW) .]

6. License fee. When a license is issued on the basis of a municipal inspection, as specified in this section, the requirement for payment of a license fee to the board, as set forth in section 9021, subsection 2-A, is waived.

[2007, c. 402, Pt. D, §15 (AMD) .]

7. Licenses. Licenses issued under this section shall be displayed, renewed and in every other way treated the same as licenses issued under this subchapter on the basis of inspection by the board.

[1983, c. 553, §17 (NEW) .]

8. Certification. Certification of municipally employed sanitarians shall be in accordance with standards set by the Commissioner of Health and Human Services and shall be for a period of 3 years.

[1983, c. 553, §17 (NEW); 2003, c. 689, Pt. B, §7 (REV) .]

SECTION HISTORY

1983, c. 553, §17 (NEW). 2003, c. 689, §B7 (REV). 2007, c. 402, Pt. D, §15 (AMD).

§9089. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION

The board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A. [2007, c. 402, Pt. D, §16 (RPR).]

SECTION HISTORY

1983, c. 553, §17 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. D, §16 (RPR).

§9090. MUNICIPAL FORECLOSURE; UNLICENSED MOBILE HOME PARKS

Notwithstanding any other provision of law, a municipality that, as a result of the nonpayment of property taxes, forecloses and takes possession of real estate on which is located an unlicensed mobile home park may, if the municipality determines the park poses a risk to public health, welfare or safety, close the park and, with at least 30 days' prior written notice, evict the inhabitants of the park. A municipality that takes possession of real estate on which is located an unlicensed mobile home park does not enter a landlord and tenant relationship with any inhabitant of the park and is not subject to the provisions of chapter 953 or any other laws governing relations between a landlord and tenant. This section does not apply to a municipality that is or becomes the licensed operator of the mobile home park. [1999, c. 203, §1 (NEW).]

SECTION HISTORY

1999, c. 203, §1 (NEW).

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